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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

vs.

BIOLITEC, INC., DORNIER MEDTECH
AMERICA, INC., and NEW STAR
LASERS, INC. d/b/a COOLTOUCH, INC.,

Defendants.

Case No. C08-03129 MMC

**CIVIL L.R. 7-12 STIPULATION
REGARDING AMENDMENT OF
INVALIDITY CONTENTIONS**

AND ORDER THEREON

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

vs.

TOTAL VEIN SOLUTIONS, LLC. d/b/a
TOTAL VEIN SYSTEMS,

Defendants.

Case No. C08-04234 MMC
(consolidated with Case No. C08-03129 MMC)

WHEREAS Defendants biolitec, Inc., Dornier Medtech America, Inc., New Star Lasers, Inc. d/b/a Cooltouch, Inc., and Total Vein Solutions, LLC d/b/a Total Vein Systems (“Defendants”) recently obtained certain references that Defendants contend to be material prior art to patents asserted by Plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies (Plaintiff) in the above-captioned litigation;

WHEREAS despite diligent searching, those references were not known to Defendants at the time their Patent L.R. 3-3 Invalidity Contentions were due;

WHEREAS Patent Local Rule 3-6 permits parties to amend Invalidity Contentions by Order of the Court;

WHEREAS Defendant biolitec, Inc., provided Plaintiff with a [Proposed] Amendment to biolitec Inc.’s Invalidity Contentions, attached hereto as Exhibit A;

WHEREAS the proposed amendment would not affect the schedule of the case; and

WHEREAS Plaintiff does not object to the proposed amendment;

NOW, THEREFORE, Defendants request, and Plaintiff does not oppose, that the Court grant leave for biolitec, Inc. to amend its Invalidity Contentions to include Exhibit A, and permit the other Defendants to rely on the amendment to the same extent as biolitec.

Dated: February 22, 2010

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VNUS Medical Technologies

I hereby attest that I have on file written (or e-mail) permission to sign this stipulation from all parties whose signatures are indicated by a "confirmed" signature (/s/) within this e-filed document.

Dated: February 22, 2010

/s/ Michael N. Rader

Michael N. Rader

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 23, 2010



HON. MAXINE M. CHESNEY, U.S.D.J.